

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WISCONSIN VOTERS ALLIANCE, et al.,

Plaintiffs,

v.

Case No. 20-C-1487

CITY OF RACINE, et al.,

Defendants.

ORDER

Plaintiffs Wisconsin Voters Alliance and six of its members filed this action against the Cities of Green Bay, Kenosha, Madison, Milwaukee, and Racine seeking to enjoin the defendant Cities from accepting grants totaling \$6,324,527 from The Center for Tech and Civic Life (CTCL), a private non-profit organization, to help pay for the upcoming November 3, 2020 election. On October 14, 2020, the court denied Plaintiffs' motion for a temporary restraining order and other preliminary relief because Plaintiffs failed to show a reasonable likelihood of success on the merits. Dkt. No. 27. Plaintiffs subsequently appealed the court's October 14, 2020 order under 28 U.S.C. § 1292. Plaintiffs also filed a motion for an injunction pending appeal. For the following reasons, Plaintiffs' motion will be denied.

Requests for stays or injunctions pending appeal are governed by Rule 62(c) of the Federal Rules of Civil Procedure, which provides that "[w]hile an appeal is pending from an interlocutory order . . . that grants, dissolves, or denies an injunction, the court may suspend, modify, restore, or grant an injunction on terms for bond or other terms that secure the opposing party's rights." In determining whether to grant an injunction pending appeal, a court must consider (1) whether the

movant has made a strong showing that it is likely to succeed on the merits on appeal; (2) whether the movant will be irreparably injured absent an injunction; (3) whether issuance of the injunction will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *See Hilton v. Braunskill*, 481 U.S. 770, 776 (1987) (citations omitted).

The court concludes that Plaintiffs' arguments are insufficient to establish a strong likelihood of success on the merits. In denying Plaintiffs' motion for a temporary restraining order, the court considered and rejected many of the same arguments Plaintiffs now assert. The court's reasoning is set out in the court's October 14, 2020 order and need not be repeated here. Because Plaintiffs have failed to demonstrate a likelihood of success on the merits, no further analysis as to whether to grant an injunction is necessary and their motion for an injunction pending appeal (Dkt. No. 31) is **DENIED**.

SO ORDERED at Green Bay, Wisconsin this 21st day of October, 2020.

s/ William C. Griesbach

William C. Griesbach
United States District Judge